

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|   |   |                     |
|---|---|---------------------|
| <b>GEORGE IVAN LOPEZ,</b>                                       | ) |                     |
|   | ) |                     |
| v.  | ) | <b>2:08-cv-1342</b> |
| <b>DAVID GRAINEY, Major, VICTOR SANTOYO,</b>                    | ) |                     |
| <b>Lieutenant, PAUL PALYA, Unit Manager, THOMAS</b>             | ) |                     |
| <b>JACKSON, Deputy Superintendent, DANIEL DAVIS,</b>            | ) |                     |
| <b>Assist. Superintendent, DIANE THOMAS, Administrator,</b>     | ) |                     |
| <b>LOUIS FOLINO, Superintendent of S.C.I. Greene, M.S.</b>      | ) |                     |
| <b>GUYTON, Unit Manager, CINDY WATSON, Chief</b>                | ) |                     |
| <b>Grievance Coordinator, JEFFREY A. BEARD, Secretary of</b>    | ) |                     |
| <b>D.O.C., DAVID NOVITSKY, Director/Office of Professional</b>  | ) |                     |
| <b>Responsibility, MARY REESE, Administrator, defendants in</b> | ) |                     |
| <b>their individual and official capacity, IRMA VIHIAL,</b>     | ) |                     |
| <b>Registered Nurse, DR. BYUNGHAK JIN, Physician, DR.</b>       | ) |                     |
| <b>WINHI PARK, Physician, and MICHELLE LUCAS,</b>               | ) |                     |
| <b>Physicians Assistant,</b>                                    | ) |                     |
| <b>Defendants.</b>  | ) |                     |

**ORDER OF COURT**

**AND NOW**, this 3rd day of March, 2009, the Court hereby **VACATES** the Order of Court dated March 2, 2009 (Document No. 28) because same was improvidently granted as the Court had not previously reviewed the Order on Motion for Preliminary Injunction (Document No. 23.)

Upon consideration of Plaintiff's OBJECTION TO THE REPORT AND OPINION OF MAGISTRATE LISA PUPO LENIHAN, DATED DEC. 17TH, 08 (Document No. 27), and it appearing that said Order of the Magistrate Judge is not clearly erroneous, contrary to law, or an abuse of discretion, as Plaintiff has failed to meet the requirements for a preliminary injunction, specifically (i) the likelihood of success on the merits and (ii) failure to show irreparable harm necessary to justify such extraordinary relief,

Now therefore, Plaintiff's Objection is **DENIED** and **DISMISSED**.

So **ORDERED** this 3rd day of March, 2009.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

cc: GEORGE IVAN LOPEZ  
CZ-3198  
175 Progress Drive  
SCI Greene  
Waynesburg, PA 15370

DAVID GRAINEY, Major  
VICTOR SANTOYO, Lieutenant  
PAUL PALYA, Unit Manager  
THOMAS JACKSON, Deputy Superintendent  
DANIEL DAVIS, Assist. Superintendent  
DIANE THOMAS, Administrator  
LOUIS FOLINO, Superintendent of S.C.I. Greene  
M.S. GUYTON, Unit Manager  
CINDY WATSON, Chief Grievance Coordinator  
JEFFREY A. BEARD, Secretary of D.O.C.  
DAVID NOVITSKY, Director/Office of Professional Responsibility  
IRMA VIHIAL, Registered Nurse  
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DR. BYUNGHAK JIN, Physician  
DR. WINHI PARK, Physician  
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